

disposed of in accordance with section 414 of the Plant Protection Act (7 U.S.C. 7714).

[64 FR 45866, Aug. 23, 1999, as amended at 66 FR 21057, Apr. 27, 2001]

PART 322—HONEYBEES AND HONEYBEE SEMEN

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AUTHORITY: 7 U.S.C. 281; 7 CFR 2.22, 2.80, and 371.3.

SOURCE: 50 FR 25689, June 21, 1985, unless otherwise noted.

§ 322.1 Importation of honeybees and honeybee semen.

(a) No persons may import honeybees or honeybee semen, except as otherwise provided in this part.

(b) Honeybees or honeybee semen from Canada may be imported into the United States without any further restrictions under this part.

(c) Honeybee semen from any country listed below is designated as a restricted article and may be imported only in accordance with the provisions in this part.

Australia
Bermuda
France
Great Britain
Sweden

(d) Honeybees from any country or locality other than Canada, may be imported without complying with other provisions of this part if:

(1) Imported by the U.S. Department of Agriculture for experimental or scientific purposes;

(2) Imported at the Plant Germplasm Quarantine Center, Building 320, Beltsville Agricultural Research Center East, Beltsville MD 20705, or at a port of entry designated by an asterisk in § 319.37-14(b);

(3) Imported pursuant to a departmental permit issued for such honey-

bees and kept on file at the port of entry;

(4) Imported under conditions specified on the departmental permit and found by the Deputy Administrator to be adequate to prevent the introduction into the United States of diseases or parasites harmful to honeybees, or genetically undesirable germ plasm of honeybees, i.e., conditions of treatment, processing, shipment, disposal; and

(5) Imported with a departmental tag or label securely attached to the outside of the container, and with such tag or label bearing the name of the person to whom the permit is issued.

(e) Honeybees and honeybee semen from New Zealand may transit the United States en route to another country under the following conditions:

(1) The honeybees or honeybee semen must be accompanied by a certificate issued by the New Zealand Department of Agriculture certifying that the honeybees or honeybee semen were derived in or shipped from an apiary in New Zealand;

(2) The honeybees or honeybee semen must be shipped nonstop to the United States for transit to another country;

(3) The honeybees must be contained in cages that are completely enclosed by screens with mesh fine enough to prevent the honeybees from passing through. Each pallet of cages must then be covered by an escape-proof net that is secured tightly to the pallet so that no honeybees can escape from underneath the net;

(4) The honeybees must be shipped by air through a port staffed by an inspector.¹ The honeybees may be transloaded from one aircraft to another at the port of arrival in the United States, provided the transloading is done under the supervision of an inspector and the area used for any storage of the honeybees between flights is within a completely enclosed building.

¹For a list of ports staffed by inspectors, contact the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Port Operations, Permit Unit, 4700 River Road Unit 136, Riverdale, Maryland 20737-1236.

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(5) At least 2 days prior to the expected date of arrival of honeybees at a port in the United States, the shipper must notify the APHIS Officer in Charge at the port of arrival of the following: the date of arrival and departure; the name and address of both the shipper and receiver; the quantity of queens and the number of cages of package honeybees in the shipment; and, the name of the airline carrying the shipment.

(f) Any honeybees or honeybee semen offered for import or intercepted entering the United States and not in compliance with this part shall be immediately exported from the United States by the importer or shall be destroyed by an inspector. Pending exportation or destruction, the honeybees or honeybee semen shall be subject to the immediate application of such safeguards against escape of diseases or parasites harmful to honeybees, or undesirable species or subspecies of honeybees, as the inspector determines necessary to prevent the introduction into the United States of diseases or parasites harmful to honeybees, or undesirable species or subspecies of honeybees.

(Approved by the Office of Management and Budget under control number 0579-0072)

[50 FR 25689, June 21, 1985, as amended at 59 FR 656, Jan. 6, 1994; 59 FR 67133, Dec. 29, 1994; 60 FR 6000, Feb. 1, 1995]

§ 322.2 Definitions.

Terms used in the singular form in this part shall be construed as the plural, and vice versa, as the case may demand. The following terms, when used in this part, shall be construed respectively, to mean:

Deputy Administrator. The Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, U.S. Department of Agriculture, or any other officer or employee of the Department to whom authority to act in his or her stead has been or may hereafter be delegated.

Diseases harmful to honeybees. Honeybee diseases, including but not limited to diseases caused by *Aspergillus* spp., *Bacillus* spp., *Ascosphaera* spp., Kashmir virus, and *Saccharomyces* spp.

Honeybee. Any live honeybee of the genus *Apis* in any life stage and the germplasm of honeybees of the genus *Apis*, except honeybee semen.

Import (importation, imported). To import or move into the United States.

Inspector. Any employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person authorized by the Deputy Administrator in accordance with the law to enforce the provisions of this part.

Parasites harmful to honeybees. Honeybee parasites, including but not limited to *Varroa jacobsoni*, *Euvarrao sinhai*, *Tropilaelaps clareae*, and *Acarapis woodi*.

Person. Any individual, corporation, company, society, association, or any other organized group.

Plant Protection and Quarantine. The organizational unit within the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, delegated responsibility for enforcing provisions of the Honeybee Act, as amended, and regulations promulgated thereunder.

Restricted article. Any honeybee semen from countries listed in § 322.1(c).

Undesirable species of subspecies of honeybees. *Apis mellifera adansonii*, commonly known as the African honeybee, and its hybrids; and *Apis mellifera capensis*, commonly known as the Cape honeybee.

United States. The States, District of Columbia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

§ 322.3 Permits.

(a) A restricted article may be imported only after issuance of a written permit by Plant Protection and Quarantine.

(b) An application for a written permit must be submitted to the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Biological Assessments and Taxonomic Support, 4700 River Road, Unit 133, Riverdale, Maryland 20737-1236, and should be submitted at least 30 days prior to arrival of the article at the port of entry. The completed application does

not have to be on any particular form but must indicate that it is an application for a written permit and include the following information:

(1) Name, address, and telephone number of the importer;

(2) Amount of semen indicated to be imported and species or subspecies of the honeybees from which the semen was collected;

(3) Country or locality of origin;

(4) Intended United States port of entry;

(5) Means of transportation; and

(6) Expected date of arrival.

(c) After receipt and review of the application by Plant Protection and Quarantine, a written permit indicating the applicable conditions in this subpart for importation shall be issued for the importation of the articles specified in the application if such articles appear to be eligible to be imported. Even though a written permit has been issued for the importation of an article, it may be moved into the United States from the port of entry only if all requirements of this subpart are met and only if an inspector at the port of entry does not determine that emergency measures are necessary with respect to such article to assure that diseases or parasites harmful to honeybees and that undesirable species or subspecies of honeybees are not introduced into the United States.

(d) Any permit which has been issued may be withdrawn by an inspector or the Deputy Administrator if he or she determines that the permit holder has not complied with any condition for the use of the permit. The reasons for the withdrawal shall be confirmed in writing as promptly as circumstances allow. Any person whose permit has been withdrawn may appeal the decision in writing to the Deputy Administrator within 20 days after receiving the written notification of the withdrawal. The appeal must state all of the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn. The Deputy Administrator shall grant or deny the appeal in writing, stating the reasons for the decision, as promptly as circumstances allow. If there is a conflict

as to any material fact, a hearing shall be held to resolve the conflict.

(Approved by the Office of Management and Budget under control number 0579-0072)

[50 FR 25689, June 21, 1985, as amended at 59 FR 67133, Dec. 29, 1994; 59 FR 67610, Dec. 30, 1994]

§ 322.4 Inspections.

Any restricted article is subject to inspection by an inspector at the time of importation for the purpose of determining whether such article is eligible to be imported.

§ 322.5 Marking and shipping.

(a) Any restricted article for importation by means other than mail shall at the time of importation bear on the outer container the following information:

(1) Amount of semen and species or subspecies of the honeybees from which the semen was collected,

(2) Country or locality of origin,

(3) Name and address of shipper, owner, or person shipping or forwarding the article,

(4) Name and address of consignee, and

(5) Identifying shipper's mark and number.

(b) Any restricted article for importation by mail must be addressed and mailed to Plant Protection and Quarantine at a place specified in § 322.8; must be accompanied by a separate sheet of paper within the package bearing the name, address, and telephone number of the intended recipient; and must bear on the outer container the following information:

(1) Species or subspecies of the honeybees from which the semen was collected,

(2) Country or locality of origin, and

(3) Name and address of shipper, owner, or person shipping or forwarding the article.

(c) Any restricted article must be accompanied at the time of importation by an invoice or packing list indicating the contents of the shipment.

(Approved by the Office of Management and Budget under control number 0579-0072)

[50 FR 25689, June 21, 1985, as amended at 59 FR 67133, Dec. 29, 1994]

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§ 322.6 Arrival notification.

Promptly upon arrival of any restricted article at a port of entry, except for mail shipments, the importer must notify Plant Protection and Quarantine of the arrival by such means as a manifest, Customs entry document, commercial invoice, waybill, a broker's document, or a notice form provided for that purpose.

(Approved by the Office of Management and Budget under control number 0579-0049)

§ 322.7 Costs and charges.

The services of the inspector during regularly assigned hours of duty and at the usual places of duty shall be furnished without cost to the importer.² Plant Protection and Quarantine will not be responsible for any costs or charges, other than those indicated in this section.

§ 322.8 Ports of entry.

(a) Any restricted article may be imported only at a port of entry listed in § 319.37-14(b) of this chapter.

PART 330—FEDERAL PLANT PEST REGULATIONS; GENERAL; PLANT PESTS; SOIL, STONE, AND QUARRY PRODUCTS; GARBAGE

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²Provisions relating to costs for other services of an inspector are contained in 7 CFR part 354.

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AUTHORITY: 7 U.S.C. 450, 7701-7772, and 8301-8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.3.

SOURCE: 24 FR 10825, Dec. 29, 1959, unless otherwise noted.

Subpart—General Provisions

§ 330.100 Definitions.

Words used in the singular form in the regulations in this part shall be deemed to impart the plural and vice versa, as the case may demand. For the purposes of this part, unless the context otherwise requires, the following words shall be construed, respectively, to mean:

Administrative instructions. Published documents relating to the enforcement of the regulations in this part, issued under authority of such regulations by the Deputy Administrator.